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Attorney Docket 040750-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: **Huang et al.**

Application No. **09/071,541**

Filed: **May 4, 1998**

For: **Methods to Modulate the Resistance of Cells to
Apoptosis Mediated by Mutant Epidermal
Growth Factor Receptors**

Group Art Unit: **1623**

Examiner: **K. Fonda**

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TRANSMITTAL FORM

1. Further to the Notice of Appeal filed on April 28, 2003, transmitted herewith is Appellants' Brief Under 37 C.F.R. 1.192 in triplicate along with copies of three references cited by the Examiner.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Appellants petition for a five-month extension of time from June 28, 2003 to November 28, 2003, the fee for a small entity which is **\$1,005.00** as set out in 37 C.F.R. 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Payment: The Commissioner is hereby authorized to charge **\$1,170.00** to Deposit Account No. 50-0310 for payment of the four-month extension of time fee (\$1,005.00) and the fee for filing a brief in support of an appeal (\$165.00).
4. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **November 26, 2003**

Morgan, Lewis & Bockius LLP

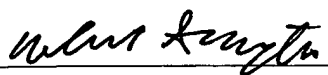
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202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


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